

administering agency must be forwarded to the consumer advisory committee described in §460.62(c) of this part for dissemination to participants as appropriate.

§ 460.62 Governing body.

(a) *Governing body.* A PACE organization must be operating under the control of an identifiable governing body (for example, a board of directors) or a designated person functioning as a governing body with full legal authority and responsibility for the following:

- (1) Governance and operation of the organization.
- (2) Development of policies consistent with the mission.
- (3) Management and provision of all services, including the management of contractors.
- (4) Establishment of personnel policies that address adequate notice of termination by employees or contractors with direct patient care responsibilities.
- (5) Fiscal operations.
- (6) Development of policies on participant health and safety, including a comprehensive, systemic operational plan to ensure the health and safety of participants.
- (7) Quality assessment and performance improvement program.

(b) *Community representation.* A PACE organization must ensure community representation on issues related to participant care. This may be achieved by having a community representative on the governing body.

(c) *Consumer advisory committee.* A PACE organization must establish a consumer advisory committee to provide advice to the governing body on matters of concern to participants. Participants and representatives of participants must constitute a majority of the membership of this committee.

§ 460.64 Personnel qualifications.

(a) *General qualification requirements.* Except as specified in paragraphs (b) and (c) of this section, each member of the staff (employee or contractor) of the PACE organization must meet the following conditions:

- (1) Be legally authorized (currently licensed or, if applicable, certified or

registered) to practice in the State in which he or she performs the function or actions.

(2) Only act within the scope of his or her authority to practice.

(b) *Federally-defined qualifications for physician.* (1) A physician must meet the qualifications and conditions in §410.20 of this chapter.

(2) A primary care physician must have a minimum of 1 year's experience working with a frail or elderly population.

(c) *Qualifications when no State licensing laws, State certification, or registration requirements exist.* If there are no State licensing laws, State certification, or registration applicable to the profession, the following requirements must be met:

(1) *Registered nurse.* A registered nurse must meet the following requirements:

- (i) Be a graduate of a school of professional nursing.
- (ii) Have a minimum of 1 year's experience working with a frail or elderly population.

(2) *Social worker.* A social worker must meet the following requirements:

- (i) Have a master's degree in social work from an accredited school of social work.
- (ii) Have a minimum of 1 year's experience working with a frail or elderly population.

(3) *Physical therapist.* A physical therapist must meet the following requirements:

- (i) Be a graduate of a physical therapy curriculum approved by one of the following:
 - (A) The American Physical Therapy Association.
 - (B) The Committee on Allied Health Education and Accreditation of the American Medical Association.
 - (C) The Council on Medical Education of the American Medical Association and the American Physical Therapy Association.
 - (D) Other equivalent organizations approved by the Secretary.
- (ii) Have a minimum of 1 year's experience working with a frail or elderly population.

(4) *Occupational therapist.* An occupational therapist must meet the following requirements:

- (i) Be a graduate of a school of occupational therapy approved by one of the following:
 - (A) The American Occupational Therapy Association.
 - (B) The Committee on Allied Health Education and Accreditation of the American Medical Association.
 - (C) The Council on Medical Education of the American Medical Association and the American Physical Therapy Association.
 - (D) Other equivalent organizations approved by the Secretary.
- (ii) Have a minimum of 1 year's experience working with a frail or elderly population.

(5) *Other personnel.* Other personnel must meet the following requirements:

- (i) Be a graduate of a school of occupational therapy approved by one of the following:
 - (A) The American Occupational Therapy Association.
 - (B) The Committee on Allied Health Education and Accreditation of the American Medical Association.
 - (C) The Council on Medical Education of the American Medical Association and the American Physical Therapy Association.
 - (D) Other equivalent organizations approved by the Secretary.
- (ii) Have a minimum of 1 year's experience working with a frail or elderly population.